

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Kuldeep JAIN <i>et al.</i>	Confirmation No.: 4567
Application No.: 10/752,891	Examiner: Harper, Eliyah Stone
Filed: January 7, 2004	Group Art Unit: 2166

For: REMOTE MANAGEMENT AND ACCESS OF DATABASES, SERVICES
AND DEVICES ASSOCIATED WITH A MOBILE TERMINAL

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed October 1, 2010.

I. STATUS OF THE CLAIMS

Claims 1-53 are pending in this appeal. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-53 on July 20, 2009.

II. GROUND OF REJECTION TO BE REVIEWED

Claims 1-53 were rejected for obviousness under 35 U.S.C. §103(a) based on *Watkinson* (US 2005/0131957) in view of *Lee et al.* (US 2002/0120719).

III. ARGUMENT

Initially, Appellants maintain and incorporate herein the arguments advanced in the Appeal Brief filed July 7, 2010. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

Responsive to Appellants' argument that neither of the applied references, nor their combination provides for **a mobile terminal executing or implementing a web server that provides remote network devices access to an addressable website, portal, or homepage that resides on the mobile terminal**, the Examiner asserted, at page 18 of the Answer, that Appellants are attacking the references individually and that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

Appellants have no dispute with those general recitations of patent law. However, Appellants are not attacking the references individually, but simply asserting that since *Watkinson* admittedly lacks any teaching of **a mobile terminal executing or implementing a web server that provides remote network devices access to an addressable website, portal, or homepage that resides on the mobile terminal**, and *Lee et al.* also does not disclose or suggest this claim feature because the disclosure of a "web server that provides for a remote network device to access the mobile terminal via a wireless communication link" is much different than a **mobile terminal executing or implementing a web server**, much less such a mobile terminal providing access to some addressable website, portal, or homepage **that resides on the mobile terminal**, the combination of these references also cannot disclose or suggest **a mobile terminal executing or implementing a web server that provides remote network devices access to an addressable website, portal, or homepage that resides on the mobile terminal**.

The Examiner further asserted that paragraph [0013] of *Lee et al.* discloses “that the WWW url standard is not just used for accessing information on the servers but also used to identify resources on a local device” (page 18 of the Answer). The mere teaching of using WWW-standard URLs to identify local resources in a device does not suggest that the device may be a mobile terminal and clearly does not suggest a **mobile terminal executing or implementing a web server**, much less a mobile terminal providing access to some addressable website, portal, or homepage **that resides on the mobile terminal**.

Lee et al. is very clear in its disclosure of a “web server that provides for a remote network device to access the mobile terminal via a wireless communication link.” Providing a server to permit a remote network device to access a mobile terminal via a wireless link in no way is suggestive of a teaching of accessing information on the mobile device by a **mobile terminal executing or implementing a web server**. The web server in *Lee et al.* is clearly separate from the mobile terminal and the mobile terminal in *Lee et al.* does not execute or implement a web server, as claimed. The Examiner’s reliance on paragraph [0024] of *Lee et al.* in finding that information on both the server and the mobile terminal may be accessed, ostensibly concluding that *Lee et al.* suggests a **mobile terminal executing or implementing a web server**, and the mobile terminal providing access to some addressable website, portal, or homepage **that resides on the mobile terminal**, can only be based on an active imagination or impermissible hindsight gleaned from Appellants’ own disclosure because *Lee et al.* discloses no such features.

Further, at page 18 of the Answer, the Examiner suggested that the Wireless Telephony Application Server, disclosed at paragraphs [0019]-[0023] of *Lee et al.*, would, itself, “satisfy the

claims requirement of a mobile terminal executing a web server because “a gateway mobile terminal...responds to a request directly via a wireless link.” Appellants respectfully disagree.

The cited portions of recite:

[0019] The Wireless Telephony Application (WTA) server is an example origin or gateway server that responds to requests from the WAP client directly. The WTA server is used to provide WAP access to features of the wireless network provider's telecommunications infrastructure.

[0020] The WAP architecture provides a scalable and extensible environment for application development for mobile communication devices. This is achieved through a layered design of the entire protocol stack where each of the layers of the architecture is accessible by the layers above, as well as by other services and applications. The WAP layered architecture enables other services and applications to utilize the features of the WAP stack through a set of well-defined interfaces. External applications may access the session, transaction, security and transport layers directly.

[0021] WAP browsers understand the wireless mark-up language or WML as specified by the Wireless Application Protocol. WML is used to create the user interface that is rendered on the browser. WML is an extension of the extensible mark-up language or XML (the successor to HTML) and was developed specifically for wireless devices.

[0022] The views generated by the web engine travel through a web server and a WAP gateway server to reach the wireless network and the browser enabled wireless device. The WAP gateway server translates the data from the Internet protocol (HTTP) to the WAP protocol and binary encrypts (through the Wireless Secure Transaction Layer specification) and compresses the data. The screens are generated on demand when a user requests the information from their wireless device.

[0023] An end user accesses the server over the wireless network by entering a URL into the WAP browser. In addition, the wireless handset must be configured to dial into a modem bank and a remote access server (RAS) inside the enterprise's firewall. From the RAS, the user connects over a LAN to the WAP Gateway Server and then to the web server. The protocol is again HTTP inside the firewall and

security is not a perceived issue since the transfer from the WAP protocol to the Internet protocol occurs inside the firewall.

There is simply no disclosure in the cited portions of *Lee et al.*, or any other portion of *Lee et al.*, that suggests that it is the **mobile terminal that executes or implements a web server** or that the mobile terminal provides access to a location **that resides on the mobile terminal**.

At page 20 of the Answer, responsive to Appellants' argument that neither of the applied references disclose or suggest including a web server application together with a content engine application in the same mobile terminal in order to provide "functional access by the remote network device to one or more devices associated with the mobile terminal," as claimed, the Examiner asserted that the claim limitations have been given their broadest reasonable interpretation in light of the specification. In particular, the Examiner asserted, with respect to independent claim 1, that the terms "manage" and "functional" as in "functional access," are "broad," concluding that the term "functional access" is "simply access that is meaningful and more than mere access of information, and propagating changes certainly fits that description." Appellants respectfully disagree.

Watkinson is directed to updating Mobile Imagebase databases. To the extent the Examiner is equating such databases with the claimed content engine application, the Mobile Imagebase databases of *Watkinson* do not "provide functional access by the remote network device to one or more devices associated with the mobile terminal" because the Mobile Imagebase merely propagates changes to **other users' databases**. PDAs of other users are hardly "devices associated with the mobile terminal." Therefore, "propagating changes," in the context of *Watkinson*, wherein the changes are propagated to **other users' databases**, does not correspond to the claimed "content engine application...configured to provide functional access by the remote network device to one or more devices associated with the mobile terminal."

Thus, the Examiner's interpretation is unreasonably broad, especially in light of the present disclosure and claimed subject matter.

At page 21 of the Answer, responsive to Appellants' argument that neither of the applied references teaches or suggests "managing the mobile terminal from the remote network device," the Examiner asserted that the transference of data, as in *Lee et al.*, or the synchronization of data, as in *Watkinson*, corresponds to "management" because the transference or synchronization of data "require the server or non-mobile apparatus to exercise a great deal of control over the mobile terminal and control is the very definition of what it means to 'manage'." Appellants respectfully disagree.

The Examiner's interpretation of the term "management" is unreasonably broad, taken in the context of the present disclosure and claims. Even if it is assumed, *arguendo*, that transference of data, *per se*, and synchronization of data, *per se*, may be reasonably interpreted as some type of "management," this still does not correspond to the claimed subject matter. Claim 25, for example, recites, "managing the mobile terminal from the remote network device once the mobile terminal has been accessed by the remote network device." Not only is the synchronization of data in *Watkinson* not a "management" of the mobile terminal from the remote network device, the Examiner has already admitted, at page 4 of the Answer, that "Watkinson does not explicitly disclose a web server that provides for a remote network device to access the mobile terminal via a wireless communication link that provides functional access by the remote network device to one or more device associated with the mobile terminal." Thus, if *Watkinson* does not provide access to the mobile terminal from the remote network device, which it does not, then *Watkinson* clearly cannot disclose "managing the mobile terminal from the remote network device once the mobile terminal has been accessed by the remote network device."

Accordingly, the only possible basis for the Examiner's rationale is that the transference of data, as in *Lee et al.*, provides for the claimed "management" function. However, as is clear from the cited portions of *Lee et al.*, viz., paragraphs [0085]-[0086], "All application logic resides on the Web server, 61, or Application Server, 73, and is displayed on the wireless client, 41, on demand." Thus, in *Lee et al.*, the mobile terminal, i.e., the wireless client, serves only to display application logic residing elsewhere. Therefore, for all intents and purposes, the mobile terminal in *Lee et al.* is not being "managed" from the remote network device because there is nothing to manage. All of the applications reside in the remote network devices and not on the mobile terminal. The mobile terminal merely serves as a display to display results related to applications in another location. Thus, the mobile terminal is not being "managed." But, to whatever extent one may interpret the display of information as "management," an interpretation with which Appellants do not agree, this is unlike the claimed management, i.e., "managing the mobile terminal from the remote network device **once the mobile terminal has been accessed by the remote network device**" because, in *Lee et al.*, it is the remote network devices wherein the applications reside that are accessed by the mobile terminal, not the other way around, as claimed.

At page 23 of the Answer, responsive to Appellants' argument that claim 28 is separately patentable because the feature of "debugging the mobile terminal by tracing data communicated from the mobile terminal" is not taught or suggested by the applied references, the Examiner asserted that "synchronization is a form a debugging in which the system automatically searches for problem data sets and conforms them to a suitable standard before the system undergoes an error. If the system teaches synchronization between two systems for the purposes of keeping data current then the system discloses debugging the system as a bug is defined as a error that will

cause a system to undergo unexpected or undefined results/functions” [sic]. Appellants respectfully disagree.

Synchronization may not fairly be interpreted as “debugging.” As those of ordinary skill in the art would recognize, synchronization relates to the maintenance of one operation in step with another. Thus, for example, the synchronization of database records in *Watknison* may constitute a synchronization of a student record at a school with the user level to ensure that only authorized personnel may update a student’s record. Debugging, on the other hand, relates to a process for locating and fixing errors in a system. The terms synchronization and debugging are unrelated and are directed to two different operations. It is completely unreasonable for the Examiner to equate the synchronization of database records in *Watknison* with “debugging the mobile terminal by tracing data communicated from the mobile terminal,” as recited in claim 28.

To whatever extent synchronization may be interpreted as “debugging,” and Appellants do not agree that it may be so interpreted, the synchronization of database records in *Watknison* simply does not operate in such a manner as to debug a mobile terminal “by tracing data communicated from the mobile terminal.” There is no tracing of data communicated from the mobile terminal in either *Watknison* or *Lee et al.* that is then used to debug the mobile terminal, as claimed. Accordingly, claim 28 is patentable separately from its independent claim.

IV. CONCLUSION AND PRAYER FOR RELIEF

Appellants, therefore, request the Honorable Board to reverse each of the Examiner's rejections.

Respectfully Submitted,

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December 1, 2010

Date

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